

**Minutes of Meeting
Grafton Planning Board
June 9, 2014**

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A regular meeting of the Grafton Planning Board was held on Monday, June 9, 2014 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman David Robbins, Vice-Chair Michael Scully, Robert Hassinger, Sargon Hanna, Linda Hassinger and Associate Member Mathew Often. Staff present was Town Planner Joseph Laydon and Assistant Planner Ann Morgan.

Chairman Robbins called the meeting to order at 7:00 p.m., welcoming Ms. Hassinger as a new member on the Board and recognizing that it was Mr. Often's last meeting, thanking him for his service to the Board.

ACTION ITEM 1-A – REORGANIZATION

Election of Officers

MOTION by Mr. Scully, **SECOND** by Mr. Hanna, to nominate David Robbins as Chairman; Michael Scully as Vice-Chair; Sargon Hanna as Clerk; designate Robert Hassinger as delegate to CMRPC; designate David Robbins as a member to the Open Space & Recreation Committee; designate Linda Hassinger as a member to the Town Owned Land Committee; designate Sargon Hanna as a member to the Community Preservation Committee; designate Robert Hassinger as a member to the Grafton Center Study Committee; designate Michael Scully as a member to the Economic Development Committee; and designate David Robbins as a member to the Grafton Public Library Planning & Building Committee.

DISCUSSION: The Board discussed whether there should be 2 persons designated to the CMRPC and what the current status actually was for some of the committees that may not be functioning any longer. Mr. Hassinger wished to note that this was not the traditional procedure used in the Election of Officers. Chairman Robbins stated there was no reason not to proceed with the motion as long as there was no objection from the Board members. Mr. Hassinger asked what the CMRPC requirements for a second delegate were and was told that the community was entitled to 3 delegates and 1 alternate; one delegate must be appointed by the Planning Board and be a member of that body and the second delegate need only be a resident of the community; the other delegate and alternate are appointed by the Board of Selectmen. Mr. Hassinger remarked that most persons additionally designated to the CMRPC don't typically show up for the meetings and suggested the Board designate Linda Hassinger as the second delegate. Ms. Hassinger declined, stating it may be better to see if someone in the community would like to apply for the position.

MOTION carried unanimously 5 to 0.

Authorize Town Planner to sign payroll and sign ANR plans on behalf of the Planning Board.

MOTION by Mr. Scully, **SECOND** by Mr. Hanna, to authorize the **Town Planner** to sign the payroll on behalf of the Planning Board and to sign ANR plans on behalf of the Planning Board after Board approval. **MOTION** carried unanimously 5 to 0.

Authorize Planning Board Members to sign ANR plans

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to authorize the Chairman and Vice-Chair to sign ANR plans on behalf of Planning Board after Board approval. **MOTION** carried unanimously 5 to 0.

ACTION ITEM 1-B – ENDORSE ANNUAL WORCESTER DISTRICT REGISTRY OF DEEDS SIGNATURE FORM

The Board endorsed the Registry of Deeds annual signature form.

ACTION ITEM 1-C – CONSIDER DECISION – MODIFICATION OF SPECIAL PERMIT (SP 1993-10) FIRST WESTBOROUGH REALTY TRUST, MICHAEL & BRIAN MARINO, TRUSTEES (APPLICANTS/OWNERS) - DUNKIN' DONUTS – 72 WORCESTER STREET

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to make favorable Findings for F-1 through F-20.

DISCUSSION: Mr. Scully questioned whether some of the Findings were relevant and noted the numbering for the Exhibits seemed off. Mr. Laydon remarked that going forward he will review what is relevant regarding Findings.

MOTION carried unanimously 5 to 0.

MOTION by Mr. Scully, **SECOND** by Mr. Hanna, to approve the Modification of Special Permit (SP 1993-10) with the Findings and Conditions are discussed and amended. **MOTION** carried unanimously 5 to 0.

Brian Marino thanked Mr. Laydon and the Planning Board for all of their help and guidance in getting through the modification process.

DISCUSSION ITEM 2-A – PRE-SUBMISSION DISCUSSION – “VILLAGE AT INSTITUTE ROAD” – DOMINIC AFONSO PROJECT, NORMAND GAMACHE, GUERRIERE & HALNON, INC., PETITIONER

Mr. Gamache reviewed the project with the Board stating they were in the process of finalizing the submission documents to apply for a Major Residential Development. Mr. Gamache reminded the Board that they were before the Planning Board in 2010, but were forced to withdraw due to an issue with the status of Institute Road. Mr. Gamache stated further that the results of court proceedings have determined that Institute Road is a public way, allowing the pre-submission copies of a 46-lot Conventional and a 48-lot Flexible Development Plan. Mr. Gamache noted the project area consists of 49 acres of land, of which 14 acres are zoned OLI, for which no development is currently planned. Mr. Gamache added that the developer plans to

resolve sight distance issues and realignment of the roadway hills and curves. Mr. Hassinger added that Mr. Gamache and Staff should look into whether access from the residential portion of the site to the OLI zoned portion of the property needs to be provided.

Mr. Hassinger asked Staff if the paperwork declaring the roadway to be public has been received by the Town, adding that he is interested in viewing the court case notes on this.

PUBLIC HEARINGS

SITE PLAN 2014-1 CATHERINE VAN ROON, (APPLICANT/OWNER) – 224 MAIN STREET, SOUTH GRAFTON – FAMILY DAY CARE

Mr. Hanna read the legal notice and Chairman Robbins opened the public hearing. Catherine van Roon was present for the hearing.

Ms. van Roon informed the Board that she is licensed by the state for 6 children and has run the day care from the lower level of her home for 16 years. Ms. van Roon noted that the Site Plan review was triggered when she applied for a second mortgage on her home and it was discovered that an application for Site Plan approval had never been applied for or granted. Mr. Laydon stated that he has been working with the Building Inspector for the past few months with regard to dealing with the day cares which have not received appropriate approvals from the Planning Board. Mr. Laydon also noted that the Board of Health comments have been resolved when the Assessor's Office determined the house contained only three bathrooms and the septic system had capacity to serve the family day care. Mr. Laydon stated he had also visited the site and documented with pictures that the facility is able to support the day care.

Mr. Hassinger asked if there was a sign on the premises depicting a family day care facility. Ms. van Roon responded that she has always run the business through referrals, adding that many of the members of Town Boards have used her day care for their children.

Chairman Robbins asked for public input.

Rene Orne of 226 Main Street submitted paperwork to the Board consisting of a letter of objection, a copy of the deed for 224 Main Street, and various photos of the damaged stockade fencing around some areas of the home. Ms. Orne pointed out to the Board that the restrictive deed clearly states the premises are to be used for single family residential purposes only with no business to be conducted. Ms. Orne also expressed concerns for adequate salary, benefits, and tax reporting for the one employee that Ms. van Roon employs; adequate Homeowners Liability Insurance for the day care facility; safety concerns for children getting hurt and respect for neighbors from damaged sections of the stockade fencing; no fencing in the backyard where there is an embankment leading down to the Blackstone River; no fencing on the side of the property abutting 222 Main Street where there are two dogs, one of which is a pit bull; and an unfenced above ground swimming pool.

Mr. Laydon stated that the Planning Board has limited jurisdiction over deed restrictions on properties and Site Plan uses that are allowed by right. Mr. Laydon suggested the two parties speak to a lawyer regarding the issues and added that the State conducts periodic inspections on day care facilities to be sure they are meeting State requirements.

Chairman Robbins informed Ms. Orne that the Planning Board is very limited in what they can approve or disapprove with regard to Site Plan review and that they are unable to take deed restrictions into consideration.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to close the public hearing and direct Staff to draft a decision taking into consideration all the information received and the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

DISCUSSION ITEM – 2-B – FY 2015 PLANNING BOARD WORK PROGRAM

Mr. Laydon requested the Board engage in a discussion to identify topics and goals they want to accomplish for FY 2015. Mr. Laydon reviewed the list with the Board consisting of discussion items relating to Zoning, Subdivisions, Regulatory Processes, Economic Development, Economic Development Outreach, Public Relations/Customer Service, Data Points/Metrics, Long Term Planning and Affordable Housing. Mr. Laydon suggested the Board may want to move forward on pertinent Zoning issues, including the Town Clerk's request for language changes to the current kennel by-law and solar by-law clarification. Ms. Morgan remarked that she is in the process of putting together a discussion subcommittee to evaluate what issues need to be brought to the attention of the Board and scheduled for workshop sessions. Mr. Laydon suggested a workshop be scheduled for the June 23rd Planning Board meeting since there are no public hearings scheduled and a limited agenda. Mr. Scully commended Mr. Laydon on collecting all of the information within one document, noting it was a lot of work and agreed that the workshops were the best way to tackle the issues. Mr. Scully added that Mr. Laydon's staff support in working with the EDC is greatly appreciated. Mr. Scully, Mr. Hassinger and Ms. Hassinger briefly discussed the need for a better Web vendor for the Town to improve Town services including on-line applications.

Mr. Hassinger requested a "Public Input" section be added to the meeting Agenda.

STAFF REPORT

Mr. Laydon updated the Board on the ongoing work toward the completion of Oakmont Farms. Mr. Laydon stated a public hearing for the Determination of Completeness is in the planning stages and that the DPW is requesting to proceed with crack sealing of the roadways prior to their Determination of Completeness by the Board. Chairman Robbins asked if a Board vote was required for this request. Mr. Laydon noted that he would place the request on the agenda for the next Planning Board meeting.

Mr. Laydon discussed with the Board if the proposed abandonment of a pre-approved drainage swale on both sides of a roadway at Brookmeadow Village Subdivision is acceptable as a field change. Mr. Laydon noted that Jeff Walsh of Graves Engineering has verified the roadway drainage has the capacity to handle the runoff without the swales. Mr. Hanna stated the Board should vote on the request and that there should be more review on project for changes and mistakes. Mr. Hassinger pointed out that the Board should be alerting future developers that they need to be aware of any changes that are made, how the changes came about, and if the project profile does not match the Board's approved profile, how it happened and who is at fault for missing the change. Mr. Laydon recommended the Board bring the developer in to answer the Board's questions on the profile change. Chairman Robbins pointed out there appears to be

no good excuse for the deviation in the profile, the Planning Board prefers to see the roadway built to the plan and if the developer disagrees, they need to come in to talk with the Board and possibly request a modification to the plan.

Mr. Laydon also discussed with the Board that a homeowner at 2 Patriots Way in the “North Grafton Preserve” (a/k/a “Brigham Hill Estates”) Subdivision has constructed a pool with the back edge of the pool hitting the easement line. The Board requested the developer come in and formally request a change to the approved plan.

BILLS

The bills were circulated and signed.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hanna, **SECOND** by Mr. Scully, to approve the open session minutes of May 19, 2014 as drafted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Scully, **SECOND** by Mr. Hanna, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:55 p.m.

EXHIBITS

- **Item 3 - Consider Draft Decision** – Modification of Special Permit (SP 1993-10) First Westborough Realty Trust, Michael & Brian Marino, Trustees (Applicants/Owners) - Dunkin' Donuts – 72 Worcester Street
 - Draft Decision dated June 5, 2014; 7 pages.
- **Item 4A - Pre-submission Discussion** – “Village at Institute Road” – Dominic Afonso Project, Normand Gamache, Guerriere & Halnon, Inc., petitioner
 - Correspondence from Guerriere & Halnon, Inc., Village at Institute Road Dominic Afonso Project; dated May 13, 2014, received May 14, 2014; 1 page.
 - Grading Index Plan, The Village at Institute Road, Preliminary Conventional Development Plan; 8 ½” x 11”, color; prepared by Guerriere & Halnon, Inc.; dated December 2, 2009, revised February 11, 2010; 1 page.
 - Grading Index Plan, The Village at Institute Road, Preliminary Flexible Development Plan; 8 ½” x 11”, color; prepared by Guerriere & Halnon, Inc.; dated December 2, 2009, revised February 11, 2010; 1 page.
- **Item 4B - FY 2015 Planning Board Work Program**
 - Draft Planning Department FY2015 Work Plan Items – Global List; prepared by the Town Planner; 2 pages.

- **Item 5 – Staff Report**

- Memorandum from the Town Planner, Staff Comments for the June 9 Planning Board Meeting, dated June 9, 2014; 4 pages.


- **Item 7A – Open Session Meeting Minutes**

- Draft Meeting Minutes for May 19, 2014, 7 pages.

- **Public Hearing 11A - Site Plan 2014-1 Catherine van Roon, (Applicant/Owner) –**

Application for Site Plan approval for a Family Day Care on property located at 224 Main Street, South Grafton.

- Application for Site Plan Approval; dated April 21, 2014, received May 6, 2014; 1 page.
- Correspondence from the Applicant / Owner regarding project description; dated April 21, 2014, received May 6, 2014; 1 page.
- Correspondence from the Applicant / Owner regarding waiver requests; dated April 21, 2014, received May 6, 2014; 1 page.
- Site map, 8 ½" x 11", color; dated March 24, 2014, received May 6, 2014; 1 page.
- Project Review Memorandum, Board of Health, received May 13, 2014, 4 pages.
- Correspondence from the Assessor's Office, Inspection of 224 Main Street, received May 27, 2014, 1 page.
- Memorandum from the Town Administrator on behalf of the Board of Selectmen; Request for comments, Site Plan 2014-1, Catherine van Roon, 224 Main Street, South Grafton, Family Day Care; dated June 5, received June 9, 2014; 1 page.
- Email Correspondence from Michael Robbins, 6 Warren Street, re: van Roon; received at 4:08 p.m. on June 9, 2014; 1 page.
- Correspondence from Gary & Rene Orne, 226 Main Street; dated June 1, 2014, received at the Planning Board Public Hearing on June 9, 2014; 9 pages.
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Sargon Hanna, Clerk